

# EXHIBIT 6

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 DARRYL CHALMERS, et. al.,

5 PLAINTIFFS,

6 -against-

Case No.:

1:20-cv-03389-AT

7 CITY OF NEW YORK,

8 DEFENDANT.  
9 -----X

10 DATE: April 13, 2021

11 TIME: 10:04 A.M.

12  
13 EXAMINATION BEFORE TRIAL of the Plaintiff,  
14 DARRYL CHALMERS, taken by the Defendant, held on the above  
15 date and time via Zoom, before Tiffany Bando, a Notary Public  
16 of the State of New York.  
17  
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19  
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25

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1 A. 3534.

2 Q. Have you ever used any other Social Security  
3 number?

4 A. Nope.

5 Q. What race or ethnicity do you self-identify as?

6 A. African American, but I also am part Scottish, I  
7 have a Scottish background, my grandfather is from Scotland.

8 Q. And has that always been the way you identified  
9 yourself?

10 A. Yes.

11 Q. When was the last time you recall being asked to  
12 self-identify your race on any forms in connection with your  
13 City employment?

14 A. I can't remember.

15 Q. But you would have self-identified the same way  
16 that we discussed?

17 A. Um, mostly African American.

18 Q. What is the highest level of education that you  
19 have achieved?

20 A. Two years in college.

21 Q. And you graduated from high school?

22 A. Yes.

23 Q. When did you graduate from high school?

24 A. I can't remember, I will be honest with you, it has  
25 been that long.

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1 was with Ben Strauss Painters.

2 Q. Could you repeat the name?

3 A. Ben Strauss Painting Company.

4 Q. What was your role there?

5 A. I was a painter.

6 Q. Do you recall when you started that position?

7 A. Can't recall.

8 Q. Do you remember, approximately, how long you were  
9 there for?

10 A. I believe four years I was with them.

11 Q. Between HPD and FDNY were there any other positions  
12 that you held with any other companies?

13 A. Budget Rent-A-Car was a job I had with them.

14 Q. That was after HPD?

15 A. That was -- during HPD, it was part-time.

16 Q. And you were a sales associate?

17 A. No, I moved cars back and forth, that was it. The  
18 title was shuttler.

19 Q. So now I am going to ask you to walk me through  
20 your job history at FDNY. Do you know when you started?

21 A. November 7, 1991.

22 Q. What was your title at that time?

23 A. Fire protection inspector.

24 Q. What is your current title?

25 A. Deputy chief inspector.

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1 Q. Were there any positions that you held or titles  
2 you held in between fire protection inspector and deputy  
3 chief inspector?

4 A. Supervising inspector level 2.

5 Q. And any other than that?

6 A. That's it.

7 Q. Were there any salary changes between your  
8 promotions?

9 A. Yes.

10 Q. Can you tell me about those, is it standard pay  
11 moving from one to the other?

12 A. That's correct.

13 Q. Do you recall how long you were a fire protection  
14 inspection for?

15 A. I can't remember now, I will be honest with you.

16 Q. Do you remember, approximately, when you became a  
17 supervising inspector level 2?

18 A. I can't recall that either.

19 Q. How long have you held your current title of deputy  
20 chief inspector?

21 A. For about eight years now.

22 Q. So would you say besides the eight years you have  
23 been deputy chief inspector, approximately, what percentage  
24 of that time were you a fire protection inspector versus a  
25 supervising inspector level two?

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1 Q. So the general sort of complaint was that her  
2 calling you a drunk was sort of a stereotype because you are  
3 African American?

4 A. That was the gist of it, yes.

5 Q. Besides that situation have you ever charged anyone  
6 or complained of discrimination from anyone else?

7 A. No, except for right now.

8 Q. Has anyone filed a charge of discrimination against  
9 you?

10 A. No.

11 Q. I am going to ask you some questions now about this  
12 case.

13 By the way, if you want to take a break at any  
14 point, we are approaching sort of an hour, let me know.

15 A. No, we are good, I just want to take a sip of  
16 water.

17 Q. I am going to ask you some questions about this  
18 case now.

19 Do you know this lawsuit is a potential class  
20 action?

21 A. Yes.

22 Q. What is your understanding of a class action?

23 A. My understanding of a class action is that I am  
24 representing the members of our class based on discrimination  
25 with the City.

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1 Q. When I ask what is your understanding of a class  
2 action I mean sort of generally your understanding of how a  
3 class action lawsuit works, so you said, for example, that  
4 you represent a class, could you tell me about that?

5 A. A class of fire protection inspectors.

6 MR. LIEDER: Objection insofar as it calls for  
7 a legal conclusion, but you could go ahead.

8 Q. I am sorry, Darryl, do you have anything to add?

9 A. No.

10 Q. You are a named plaintiff in the lawsuit?

11 A. Yes.

12 Q. So you understand you will be representing,  
13 potentially hundreds of other plaintiffs?

14 A. Yes.

15 Q. Have you ever done that before?

16 A. No.

17 Q. What is your understanding about the other people  
18 that you might be representing?

19 A. My understanding is that --

20 MR. LIEDER: Objection to form.

21 Q. Do you have a sense of who you will be  
22 representing?

23 A. Yes.

24 Q. Could you tell me about your understanding of who  
25 they are?

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1           A.     Fire protection inspectors, supervising inspectors  
2     who are predominantly minority and also white who are  
3     affected by the discrimination.

4           Q.     Could you tell me what you mean by white and are  
5     affected by the discrimination?

6           A.     Basically if there is a discrimination by the City,  
7     whether you have minorities and whites who work in that  
8     field, they still will be affected by the discrimination  
9     based on most of the members are minorities.

10          Q.     And how will they be affected?

11          A.     Depending on what the type of discrimination is.  
12     Basically salary, stuff with our uniforms, I mean, it's a  
13     lot. You would have to be here for two or three days, so, I  
14     don't think you can handle that.

15          Q.     Understood.

16                 Do you know of any reason why you should not be a  
17     class representative?

18          A.     No.

19          Q.     Is there anything that would make it difficult for  
20     you to be a class representative?

21          A.     No.

22          Q.     Have you ever discussed with anyone other than your  
23     lawyers whether you should represent the members of this  
24     class?

25          A.     I have spoken to some, some inspectors who came to



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1 me about discrimination, yes.

2 Q. Who were they; if you recall?

3 A. There are so many of them. I can't even give the  
4 names of everybody.

5 Q. Around how many people have you spoken about that  
6 with?

7 A. I would say hundreds, because this has been going  
8 on for years.

9 Q. So, generally speaking, the other people that you  
10 would speak to about this would be the other FDNY employees?

11 A. That's correct.

12 Q. Could you give me a timeframe of sort of when these  
13 conversations were taking place, I understand it may have  
14 been over a long period of time, but, approximately, how  
15 long?

16 A. I would say in the past, more than 20 years, I  
17 would say, and I just want to clarify something for you, is  
18 that some of the white inspectors came to me and said that  
19 the discrimination is because we are mostly minority, a lot  
20 of them said that and they are not minorities that came to  
21 me, it was white inspectors that came to me to tell me that.

22 Q. Do you remember the names of any of those  
23 inspectors?

24 A. Um, you had -- I forgot Nolan's last name and his  
25 father, they both work there. Ed Nolan was one of them. I

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1 can't recall because some of them retired already.

2 Q. You recall Ed Nolan, do you remember that  
3 conversation at all?

4 A. Basically he said, Darryl, we are being treated  
5 unfairly by this department because we are mostly minority,  
6 and he is Irish.

7 Q. So when you say he said that "we" are being treated  
8 unfairly, who is he referring to?

9 A. All the inspectors.

10 Q. The fire protection inspectors at the FDNY?

11 A. That's correct.

12 Q. Is it that you are being treated unfairly by the  
13 FDNY or the City, in general?

14 A. I would say both.

15 Q. And how is it that the FDNY is treating you  
16 unfairly?

17 A. Are you ready to be here all day, Jonathan?

18 Q. I am sorry.

19 In your conversation with Ed Nolan what were the  
20 complaints about the FDNY treatment of FPIs?

21 A. Okay, at the time the City of New York gave  
22 everybody uniforms, everybody, including auxiliary police.  
23 In fact, I have to correct something. I was an auxiliary  
24 cop, but I didn't think that mattered, but I was an auxiliary  
25 cop at the 115 Precinct at Queens, that is why I wasn't sure

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1 whether I was going to join the police department or not.

2 So, I had a class A uniform, traffic agents,  
3 Buildings Department, HPD, they got uniforms. At the fire  
4 department they wouldn't give us anything. EMS joined, they  
5 gave them full uniforms. The fire department went to give us  
6 a yellow shirt. We can go on.

7 In fact, the class A uniform I am wearing right now  
8 I have been asking the fire department for this class A  
9 uniform for over 20 years. I got this uniform through the  
10 Vulcan Society, they are the ones who pushed the City to get  
11 me the class A, so now I am wearing the class A, but at the  
12 same time I can't wear both ranks of eagle on my neck as  
13 firefighters or EMS or traffic agent or school safety or any  
14 other City agency, including Buildings Department.

15 The fire department says I must be tagged with BFP  
16 fire prevention on my collar and I must wear a fire  
17 prevention patch on my uniform, which the Vulcan Society was  
18 very upset about because nobody in the fire department does  
19 that, they don't do it for EMS or firefighters, but fire  
20 prevention inspectors, oh, no, we can't have you like this,  
21 we want you to be identified, when fire protection inspectors  
22 and firefighters do the same job, use the same paperwork, the  
23 only difference between a fire protection inspector is that  
24 we don't fight fires, but when it comes to the safety and for  
25 captains and lieutenants coming to us asking us questions on

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1     how do we handle a situation they come straight to fire  
2     prevention. That has been -- that goes on everyday on this  
3     job, so those are the -- these are just a little tip of some  
4     of the things dealing with FDNY and it is deep. Jonathan,  
5     you would be sitting for a day and you probably would be  
6     shaking your head yourself. And I know you work for the City  
7     and I commend you, that is your job as an attorney, but I  
8     guarantee you you would look at it and still yourself say, I  
9     don't know, something is not right. I am not saying you  
10    would say that because you can't, but you would be surprised.

11         Q.     So that complaint is what you spoke about  
12    specifically with Ed Nolan?

13         A.     Yes, Ed was very upset. Ed came from the military  
14    and he really was upset about that because he felt, you know,  
15    I know the reason why they are treating us like this is  
16    because it is mostly minority here, and he was very clear on  
17    that. In fact, I tried as a human being because I always say  
18    none of us knew what race or color we were born, we just woke  
19    up and we were here, we have no choice, let's be clear on  
20    that, alright, I am born, I was African American, but I am  
21    Scottish/Irish background, so my grandfather raised us Irish,  
22    so I am pro-Irish, you know, that is just the way my family  
23    was brought up, so that is the way I am, but at the same time  
24    he opened up my eyes to say, look at how we are being  
25    treated, and it is because we are predominantly minority and

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1 I had to look at it and there is so much evidence on it, it  
2 is just, it is crazy, to be honest with you, it is really  
3 literally crazy.

4 They wanted to give us a yellow shirt when they  
5 wanted to give us a uniform they said, let's put them in a  
6 yellow shirt with stripes, with brown stripes with the fire  
7 department patch on it, right, that is what they wanted to  
8 do, that is the uniform they wanted to give us and what  
9 happened was Commissioner Von Essen, who was the fire  
10 Commissioner at the time said, he came to my cubicle and he  
11 put his arms around me and he said, Darryl, I cannot have my  
12 inspectors in the field looking like canaries, and he started  
13 laughing with me, because he said, no way, I am putting you  
14 in blue shirts. So, I mean, it has been a lot. Even the  
15 Commissioner at that time, Von Essen said, oh, this is crazy,  
16 and this is what the other commissioners in fire prevention  
17 was saying this is what we want them to wear.

18 Jonathan, we could sit and have coffee and you will  
19 probably pass out from stuff, so let me get back to where we  
20 are supposed to be. I just try to keep it real with you,  
21 that's all.

22 Q. Who are your lawyers in this case?

23 A. Michael Lieder, right there.

24 Q. Are there any other attorneys that you are working  
25 with?

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1 what we really do then they praise us, then it is like, wow,  
2 these guys are the best, we need them. So that is why I have  
3 a lot of lieutenants and chiefs who are friends of mine who  
4 say, look, fire prevention is number one, we have to depend  
5 on them because without them we can't even fight fires and no  
6 building is safe, including the building you work in in  
7 Manhattan is not safe, unless we check it for you to make  
8 sure it is safe for you and your family and that is why fires  
9 are down. Fires are down the last 18 years because of fire  
10 prevention, but the fire commissioner will always say fires  
11 are down because of firefighter, EMS and fire dispatchers.  
12 Fire dispatchers just make a call. EMS does nothing but  
13 medical, and firefighters do not do fire prevention, so how  
14 are fires down because of that, because their jobs are to  
15 fight fires and they do not mention the fire inspectors once.

16 When they do ceremonies at headquarters they name  
17 the firefighters and the EMS and I know why they name the  
18 EMS, because the promotion of firefighters goes to EMS, so  
19 half the fire department right now are ex-EMTs so they always  
20 praise them and there is nothing wrong with that, but they  
21 never mention us, not once at a ceremony do they mention us,  
22 and this has been going on for more than 20-something years  
23 to this day; that is the truth when it comes to the fire  
24 department.

25 I can -- Jonathan, you and I can be here for days,

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1 I am being honest with you, we could be here.

2 The metal day book with the fire department. Most  
3 of the chiefs in medal day book, they are predominantly white  
4 on the fire side, that is understandable, the EMS, most of  
5 them are white. Fire prevention, most of them are black,  
6 minority, we are not even in the medal day book, and the  
7 Vulcan society says, I don't understand that, how does the  
8 group that does firematics that is closer to fire than  
9 anybody in the fire department not allowed to be at the medal  
10 day ceremony or to be in the book, how is that possible.  
11 That's why when we got the class As through the Vulcan  
12 Society they said to label them, make sure they put the BFP  
13 on the neck and wear the fire prevention patch, even though  
14 the firefighters depend on us to do their job everyday,  
15 everyday.

16 When they have ceremonies on the dais you have  
17 firefighters on the dais, you have EMS on the dais. Now when  
18 I ask can my chief inspectors be on the dais, no, your chief  
19 inspectors, you can't be on the dais, you can't be part of  
20 the ceremony unit, you can't even be part of this, which is  
21 ridiculous. You have everybody else, EMS and everybody else  
22 in the ceremony unit, nah, you guys. We talked to the  
23 commissioner, not fire prevention; it doesn't make sense. I  
24 could go on.

25 Q. Could you tell me what the medal day book is?

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1           A.       We would be nominated for certain inspections,  
2       safety inspections. We would be awarded based on when you  
3       look at some of the awards they give a fire marshal on stuff  
4       some of the stuff that we have done, it is like, oh, they  
5       definitely deserve an award for that.

6                   It would even take other people in the media who  
7       were at the scene to find out about it to do a story about it  
8       and then after they do the story the fire department had no  
9       choice but to comment, where if it was a firefighter, and I  
10      am not knocking firefighters, because a lot of them are my  
11      friends, in fact, my cousin is one for the FDNY, so that is  
12      not the point I am making. The point I am making is that it  
13      would take a reporter who was at the scene of the propane to  
14      say, I need to do a story about this, and then because they  
15      already did the story then FDNY would have to comment. Now  
16      if the reporter wasn't there, FDNY wouldn't say one word  
17      about what we found when it comes to propane, a blocked exit  
18      or a building where firefighters couldn't get water to fight  
19      a fire, they wouldn't even mention it unless a news reporter  
20      had the story and because it was put out, like I said before,  
21      then they would have to comment.

22           Q.       So it sounds like you are talking about, like sort  
23      of public statements about FPIs, but specifically with  
24      respect to the medal ceremony is that true there as well,  
25      that it is sort of                   only -- FPIs who sort of get



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1 notoriety for the press can win awards?

2 A. You are 100 percent correct, Jonathan. Now for  
3 some of those things that have been in the newspaper if it  
4 was a firefighter there would be a medal day, that is the  
5 point I am making. We are not allowed to be in medal day, in  
6 fact, the Vulcan Society was very upset about that, I don't  
7 know why they don't have fire protection inspectors, and I am  
8 not saying every inspector has to be there, but you show the  
9 command of firefighters and EMS, why isn't the command of the  
10 deputy chiefs and chief inspectors of fire prevention in that  
11 book; it doesn't make sense. If you talk about inclusion and  
12 they are so loving and we are so together as a family at the  
13 fire department, why if that is the case then show it all,  
14 that is my makeup and that is the way the rest of the guys  
15 feel, how come we are not part of that; you understand?

16 Q. Understood.

17 A. And firefighters feel that way too, you guys should  
18 be in the medal book, what is going on here.

19 Q. So we are going to move on from here and I am going  
20 to ask you now about Glenn Mendez. Do you know who he is?

21 A. Yes, I do.

22 Q. How long have you known Mr.  
23 Mendez?

24 A. I have known him, probably, Mendez, probably maybe  
25 ten years or something like that. To be honest with you, I

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1 working in the field or whatever. Just your reaction when  
2 you walk in the building you feel it, especially when you are  
3 wearing this.

4 Q. But there were no specific instances that you  
5 recall him mentioning to you?

6 A. No, not that I can recall.

7 Q. Next I am going to ask you about Fatima Rosemond.

8 A. Uh-hum.

9 Q. How long have you known Miss Rosemond?

10 A. Just for a couple of years.

11 Q. Do you know her personally?

12 A. No.

13 Q. Have you worked with her before?

14 A. No.

15 Q. So she is not part of your unit?

16 A. No.

17 Q. What is her title?

18 A. Fire protection inspector.

19 Q. Have you discussed with her that you are attending  
20 this deposition today?

21 A. No.

22 Q. Have you had any conversations with her about why  
23 she is participating in this lawsuit?

24 A. Yes.

25 Q. Do you recall specifically any reasons that she

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1 gave in those conversations?

2 A. Um, basically she felt because she is in a special  
3 task force that you have seen on the media when it comes to  
4 propane and illegal conversions, she is in the illegal  
5 conversions task force and it seems like -- it is not seems,  
6 it is, when they find certain things they say the  
7 firefighters did it or the fire marshals did it and the  
8 inspectors are not even mentioned.

9 I believe she was very highly upset about this type  
10 of stuff and it has been happening, like I said, for years.  
11 I believe she is new, she has been here for a couple of  
12 years, but she can see it clear as day, and they even gave  
13 light to the Buildings inspectors, where with the task force  
14 we are the lead and the Building Department follows behind us  
15 all the time, the Building Department inspectors, but they  
16 give light to -- they don't give any light to us at all, so  
17 you would have to talk to her about that, though.

18 Q. In your conversations you remember her expressing  
19 her belief that that lack of acknowledgement was due to the  
20 racial composition of the FPI?

21 A. Yes.

22 Q. So I am going to ask you some questions about the  
23 allegations in this case now. What is your understanding of  
24 what sort of the basic claim that you are making is?

25 A. The basic claim is that fire protection inspectors

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1 and Buildings Department inspectors, we basically do the same  
2 work, in fact, the CDA unit for Buildings Department, and we  
3 have a CDA unit for the fire department. You have the task  
4 force with the March Program, the fire department  
5 participates in the March Program. The job we do is more  
6 intense than the Buildings Department inspectors, but at the  
7 same time they are making a lot more money than we are and  
8 they are predominantly -- they have more whites in their  
9 units and with us it is more predominantly minority, so the  
10 problem is how is it that I am on the scene of a job with  
11 firefighters and Buildings Department -- in  
12 fact, I can recall the scene where you had the four  
13 construction workers who were overtaken by carbon monoxide  
14 poisoning at the construction site. I show up at the scene,  
15 DOB is there, they don't know what to do, but they are called  
16 in. I am there, the fire chiefs are there, the fire marshals  
17 are there, PD is there; I end up taking over the whole scene.  
18 I am not saying that because it is me, I am saying that  
19 because I know my job. So DOB is there, but they are making  
20 more money. We are the task force, we are the lead, the fire  
21 protection inspectors are the lead on those task forces. DOB  
22 waits for us to get entry and get an understanding of the  
23 fire safety and then they come and they write for their  
24 violations basically on how people live in overcrowding and  
25 stuff like that, but we are the leads when it comes to

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1 systems making sure it is available to work for firefighters.  
2 DOB just checks to make sure the proper company was used with  
3 the piping or whatever, but we are the ones that actually we  
4 have to witness the test to make sure that it is working  
5 before firefighters get there.

6 So DOB and us, we do basically the same work on a  
7 lot of task forces and working together, but at the same time  
8 they make more money than us, which doesn't make sense. A  
9 lot of DOB inspectors said, I wish I could come to the fire  
10 department to work for FDNY instead of DOB, but you guys  
11 don't make enough money; that is a major problem, so it is  
12 what it is.

13 It is like you as a lawyer working for the City and  
14 then you hear of some other guy, you are doing the same type  
15 of work and you are like, wait a minute, why is this guy  
16 getting paid. You understand what I am saying, because it is  
17 because their group is predominantly white and our group is  
18 predominantly minority.

19 Q. So you said your work as FPIs is more intense than  
20 the work of the DOB inspectors, could you tell me what you  
21 mean by that?

22 A. Okay, DOB inspectors, when they come to a  
23 construction site they want to look at signs, the first thing  
24 they want to do is do you have the proper signs. We do the  
25 same thing. They want to look at the proper signage, make

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1 understand this and I don't understand that, they said, the  
2 plate on the fire escape, why do you guys check that, because  
3 that is what keeps the fire escape together. So just from  
4 working with them all the time this is what happens.

5 Q. You mentioned working with them, how often do you  
6 work with DOB inspectors?

7 A. Well, with CDA my guys are in the field, they work  
8 with them all the time if they see them at the construction  
9 site with them when I was at the vacate desk I would work  
10 with them all the time. If there was a vacate of the  
11 building it would be the firefighters, me, and the Buildings  
12 Department inspector would be there at the scene. If there  
13 was an emergency or collapse, the crane collapse, perfect  
14 example, when that crane collapsed in Manhattan I was one of  
15 the lead guys with the chief of the department walking around  
16 checking out the crane and checking people and DOB was there  
17 too and I was with DOB DOI, but it was the DOI of the DOB  
18 because they were doing the investigation on what caused the  
19 collapse, but with the vacate desk I worked with them all the  
20 time in the years I used to work with them in the vacate desk  
21 with DOB.

22 Q. So you mentioned a special task force or joint task  
23 force?

24 A. Uh-hum.

25 Q. If you could tell me more about that.

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1           A.       That, um, that is the joint task force that you  
2       would see with Fatima, she works in that task force with me.  
3       The March Program, guys in public assembly, they work with  
4       them a lot, DOB. You would have fire department, Buildings  
5       Department, if they -- sometimes they have the Health  
6       Department working together and the Police Department was  
7       always with us and we would go in, we would do safety  
8       inspections, but DOB was always, they always work with us a  
9       lot. In fact, if there is a vacate now today, which I don't  
10      understand, we're the experts on vacates, I don't know where  
11      this new ruling came with the fire department, they tell them  
12      to call the Department of Buildings. Department of Buildings  
13      doesn't know anything about fire safety or as much as we do,  
14      they know the basics, but they don't know as much as we do.

15                Somebody in the fire department changed it, don't  
16      call the guys from fire prevention, let's call DOB. We don't  
17      know why. A lot of fire captains and lieutenants don't  
18      understand it. If anybody is experts, we need fire  
19      prevention here, but these are some of the moves they pull.

20           Q.       Specifically about that decision, to sort of  
21      elevate DOB with respect to vacate orders, do you know who  
22      made that decision?

23           A.       I am not -- to be honest with you, Jonathan, I am  
24      really not sure, and a lot of us are perplexed on it, like  
25      why would they do something like that. In fact, like I said,

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1 stability, if it's structural stability then DOB would  
2 definitely take the lead, but most vacates you get with the  
3 City is done by basically overcrowding a blocked exit, there  
4 is no fire protection so that would be the reason why we  
5 would vacate the building. So we were always the lead when  
6 it came to that. DOB was always there because they were  
7 Department of Buildings and they would also write a  
8 Department of Buildings violation against the owner, so would  
9 we.

10 Q. So it sounds like what you are saying is that in  
11 either case with the joint task force it doesn't sound like  
12 one group reports to the other, it is that you are both  
13 reporting to each other on the individual work that you are  
14 doing?

15 A. Yeah, but the work is similar. Remember, they are  
16 writing a violation on overcrowding, we are writing a  
17 violation on overcrowding, alright, so they would do their --  
18 if you look at any vacate you will see their violation is  
19 similar to ours, but when it came to the rest of their  
20 violations in the building, when it came to fire safety we  
21 would always take the lead. Like they would write one  
22 violation, we would be writing five; do you understand what I  
23 am saying, that is the type of work we would do.

24 Q. So you said that you each had, sort of different  
25 violations that you write; correct?



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1 A. Uh-hum.

2 Q. You wouldn't be citing a violation for load  
3 capacity, like a load capacity violation even on the joint  
4 task force where you are working together, that would be the  
5 Department of Buildings?

6 A. No, we would both write it. They would write for  
7 load, because the load would be on the Department of  
8 Buildings certificate. They would write the load occupancy  
9 and we would write for overcrowding, which is also still a  
10 load, we call it overcrowding, they would call it load. They  
11 would write the same violation, but on the Buildings  
12 Department they would use their determination and the fire  
13 department would use the word overcrowded, which is the same  
14 thing. We can't have a space where you have overcrowding  
15 without the proper exits where, God forbid, if there is  
16 smoke, remember, fire doesn't kill anybody, it is always the  
17 smoke, the smoke takes you out within seven to eight seconds,  
18 carbon monoxide, so our issues, we always look at the  
19 overcrowding of people rushing to an exit and DOB would do  
20 the same thing saying, well, they have passed the Certificate  
21 of Occupancy of the load of the building, Certificate of  
22 Occupancy says 250 people. We do the same thing, we look at  
23 the same Department of Buildings Certificate of Occupancy and  
24 we say, you are overcrowded. So they would write theirs that  
25 way and we would write our violation this way, it is the same

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1 violation, but it is their terminology and we would use ours;  
2 you could check the records yourself.

3 Q. When you say they are the same violation with  
4 different terminology, is the basis for the violation the  
5 same thing, and if I can just sort of give you an example so  
6 that you understand what I mean by this, if you are citing a  
7 violation for overcapacity are you looking at it from the  
8 perspective of it is unsafe, there might be a trampling  
9 event, where they are looking at it as the structural  
10 integrity of this building might not hold up?

11 A. No, they are looking at it the same way we are  
12 looking at it, they are looking at the same thing.

13 MR. LIEDER: Objection to form.

14 Q. So to go back to, sort of like the underlying  
15 allegations of this lawsuit, your contention is that despite  
16 doing the same thing, FPIs are paid less because of the  
17 racial makeup of the group?

18 A. True.

19 Q. And do you know who is responsible for the decision  
20 to pay DOB more than FPI?

21 A. Um, that could be, I believe the City of New York.

22 Let me explain something to you. Joe Corso used to  
23 be the union rep for Department of Buildings and, ironically,  
24 Joe Corso was my boss when I was at HPD, so Joe Corso said he  
25 didn't understand why we were paid less than Department of

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1 Buildings, especially when the fire inspectors have to learn  
2 -- we have to learn the Building Code. You can look at our  
3 NOVs, we have to learn the Building Code, we got to learn the  
4 HPD Code, we have to learn the Multiple Dwelling Law because  
5 we write those violations too, you can look that up yourself.  
6 So I don't know why basically is that they were a monopoly,  
7 their group is predominantly white and they pay them more  
8 money than they do us, that is probably the City of New York.

9 I know the fire department had an opportunity under  
10 Chief Spadafora, God rest his soul, who died from cancer from  
11 9/11, Chief Spadafora came up with a plan to give us,  
12 basically the same money with step pay that would have saved  
13 -- given the fire inspectors -- and he was the chief at the  
14 time -- to give us a nice salary, but it was shot down from  
15 some of the tops in the fire department, I don't know why  
16 they did that, he doesn't know why they did it, but I can  
17 give you a statement that he said, and this is a fact, I  
18 wouldn't lie to you about this. Chief Spadafora said, the  
19 reason why fire prevention is treated like that is because  
20 they are racist, the fire department is racist and because it  
21 is mostly minority. Chief Spadafora told me that himself in  
22 his office, that is a fact. In fact, he had to sue them  
23 himself being Italian when he was jumped over the list over  
24 an Irish guy and he won his lawsuit, but he said, we are  
25 treated like this because we are mostly minority, he said it,

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1 and the fire department is just racist, because he was angry  
2 when they shot that down.

3 Now I don't know if the fire department is going to  
4 admit that to you, but I am telling you the truth. I  
5 wouldn't lie to you, Jonathan, about that.

6 Q. Did he give you any names of people that he claimed  
7 were racist?

8 A. Well, I know that that came from -- he named Steven  
9 Rush shot it down, he named, I think the chief of the  
10 department at the time, I forgot his name, what was his name  
11 because he retired, but I know Steve Rush had a lot to do it  
12 with it because he was the budget guy and he shot it down and  
13 Spadafora said, look, I did the numbers, this works, this  
14 gives the inspectors a nice raise and it doesn't really even  
15 cost the City any money; it was the way he had it set up.  
16 They said no and he was very angry about that.

17 Q. Did he say that Steve Rush in making that decision  
18 was doing it for racist reasons?

19 A. He said that the fire department is racist; those  
20 were his exact words.

21 Q. But he never pointed to a specific racist decision?

22 A. He felt that that decision what I just said to you  
23 as far as the money, giving the raise, they shot it down and  
24 he believes it is because of racism, he said because the fire  
25 department is just racist and he was angry.

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1 (Whereupon, a lunch recess was taken from 12:55  
2 p.m. till 1:35 p.m.)

3 Q. I just remind you you are still under oath.

4 A. Yes, yes.

5 Q. So I want to follow-up on a line of questioning or  
6 something we touched on earlier before lunch. You had said  
7 that Chief Spadafora developed a step pay plan, could you  
8 tell me a little bit about that?

9 A. Um, I don't know the full details of it, but I know  
10 he set up a step pay plan that he came up with, he did the  
11 numbers and I know, he worked on it with, I believe Bob  
12 Rampino was his exec at the time in fire prevention, he  
13 worked on it with him, so that I know.

14 Q. You said that you were discussing the plan with him  
15 in his office and you said that the reason the FDNY  
16 inspectors get paid less is because, I believe this is a  
17 quote, I might be slightly off, the FDNY is racist and the  
18 FPI is mostly minorities; is that correct?

19 A. No, let me clarify. What he started to explain to  
20 me about the step pay plan that he was trying to implement  
21 and he said they said no to it and he was very upset and he  
22 said, this place is just, you know, just racist. So he  
23 didn't imply because -- I don't want to say -- I know what he  
24 meant when he said, this place is racist, because for him to  
25 talk about the race for mostly the minority inspectors and

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1 all of a sudden is pissed off and discussed and said, this  
2 place is just racist; I know what he is implying. I mean,  
3 why would you say that unless you are implying about us  
4 because you just got finished saying it was knocked down and  
5 then you are angry and you said, this place is just racist,  
6 so that is what he was implying. I don't want to put words  
7 he said something and it is not true.

8 Q. Did he say the FDNY is racist?

9 A. Yeah.

10 Q. And you took that to mean he was talking about the  
11 pay disparity with the FPI?

12 A. Yes.

13 Q. But he didn't specifically say that?

14 A. He didn't specifically say that, but because he was  
15 talking about how he was shut down on doing the step pay that  
16 he was working on and he said, they said no to me, and he  
17 said, this place is just racist. So, Jonathan, there is no  
18 other explanation for you to not conclude, and I know you  
19 have to do it as an attorney, but there is no other  
20 conclusion to do it to understand that is what he meant.

21 I will give you a perfect example, just to be  
22 clear. I don't know what your background is, I don't know  
23 whether you are part Irish or whatever, but I do have part  
24 Irish because my grandfather was raised in Ireland, so I am  
25 kind of pro-Irish to an extent, so Ellis was one time in the

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1 office when we first started and she started talking about  
2 Irish people like dogs, they are drunks, boom, boom, boom,  
3 and stuff like that. Now she is just going on saying that  
4 Irish firemen are stupid, a whole bunch of stuff, so I got  
5 upset and I told her, I wish you would stop talking about  
6 Irish people like that because it is very offensive, and she  
7 asked why and I told her, because my grandfather was  
8 Scottish/Irish, so I don't appreciate that because my  
9 grandfather took care of my family in the Caribbean and I  
10 don't appreciate it, and she meant what she said that was  
11 coming out of her heart when she made that statement, so when  
12 Spadafora is talking about the issue about the salaries and  
13 about how it was knocked down and then he said, this place is  
14 just racist, that is what he was talking about, because of  
15 the way the group is predominantly minority. You can't use  
16 the word racist in that statement if the group was  
17 predominantly white, because you can't say that, but the  
18 group is predominantly minority, so he used this word, this  
19 place is racist, after making the statement it was shut down;  
20 do you understand, Jonathan?

21 Q. I understand.

22 This sentiment was communicated to you verbally in  
23 conversation?

24 A. Yes, in his office.

25 Q. Was anybody else present for this conversation?

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1           A.     Oh, no, it was just Chief Spadafora and I, but you  
2     can probably find out about it being shut down from Bob  
3     Rampino because he was around, he was working on it with  
4     Chief Spadafora, I don't know whether he will say that type  
5     of statement that Spadafora said, I don't know if Spadafora  
6     ever mentioned that to him, but he will tell you it was shot  
7     down.

8           Q.     When you say it was shot down, you are talking  
9     about the step pay plan?

10          A.     Uh-hum, yes, yes. I got to be clear, I am sorry.  
11     I shook my head, I am sorry, Jonathan, sorry, Tiffany.

12          Q.     It happens, thank you for noting it.  
13                 So you were the only person present for that  
14     remark?

15          A.     Yes, uh-hum, yes.

16          Q.     Do you know about how long ago this conversation  
17     took place?

18          A.     I would say this conversation, maybe two years  
19     before he passed away.

20          Q.     So he is deceased?

21          A.     Yes, he is, yeah.

22          Q.     So he would not be able to corroborate this  
23     conversation took place?

24          A.     No, no.

25          Q.     And no one else that you know of would be able to



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1 corroborate this?

2 A. Um, I don't know, maybe he said something to Bob  
3 Rampino about it, I am not really sure, because they were the  
4 two working on it, so that I am not sure.

5 Q. But you don't know of anyone specifically?

6 A. No.

7 Q. Chief Spadafora at the time, he was a mandatory  
8 reporter?

9 A. No, he was the chief of fire prevention at the  
10 time.

11 Q. What I mean is certain positions in organizations  
12 are considered mandatory reporters, so if they see something  
13 they are required to report it.

14 A. Uh-hum.

15 Q. Do you understand that?

16 A. Yeah, like if you see something like the EEO or  
17 whatever, they are supposed to report something if they see  
18 something, that is basically where you are going, Jonathan.

19 Q. Yes.

20 A. Yes, I understand.

21 Q. So as the chief, Chief Spadafora was a mandatory  
22 reporter; is that your understanding?

23 A. Yes.

24 Q. And --

25 MR. LIEDER: Objection.

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1 Q. You were in a supervisory role at the time also, so  
2 do you know if you were a mandatory reporter at that time?

3 A. Um, yeah, I was supervising deputy chief, yes.

4 Q. So you had a responsibility to report certain  
5 workplace issues?

6 A. Yes, if I saw any -- any time there was a problem  
7 with workplace issues, which was EEO, I would definitely  
8 report that, if I had to, I mean, if I saw something I would  
9 have to.

10 Q. In response to Chief Spadafora saying that the FDNY  
11 is racist, do you know if there were any incidents that he  
12 reported around that time specifically or if he was talking  
13 about any specific person, comment, action, or if he was  
14 talking more generally?

15 A. He was talking basically general.

16 Q. And you don't know if he reported any specific  
17 actions in connection with that statement?

18 A. No, I don't.

19 Q. And you didn't make any reports as a result of that  
20 statement?

21 A. No, I didn't, because he was just making a general  
22 statement.

23 Q. Understood.

24 So I am going to ask you some questions, I am going  
25 to go back to the joint task forces that you spoke about

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1 earlier.

2 A. Uh-hum.

3 Q. One of the allegations in the Complaint is that  
4 sometime FPIs and AFPIs work on joint task forces with other  
5 inspectors from other agencies and I believe we spoke about  
6 that before.

7 A. Yes.

8 Q. And you have worked on joint task forces like this;  
9 correct?

10 A. Yes.

11 Q. Do you know how many joint task forces you have  
12 worked on?

13 A. The vacate desk and the complaint desk, I have  
14 worked on both those task forces.

15 Q. Do those task forces have specific names or is  
16 there a way to identify them or is it just sort of the joint  
17 task force?

18 A. Okay, the task force, since the mayor's office are  
19 the ones who put the task forces together, so what happens is  
20 the mayor's office would get complaints and they would say,  
21 we have a problem of overcrowding, SRO situation where people  
22 are living on top of each other, we need the Buildings  
23 Department, Police Department and the fire inspectors to go  
24 there to that site, so they would send us in teams. It would  
25 be maybe three fire protection inspectors, two Building

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1 Department inspectors, or if it was vacate it would be two  
2 fire inspectors and maybe two Buildings Department inspectors  
3 and it would be a team, mostly of four, and then we would  
4 show up at the scene and work. So I did it with the vacate  
5 desk plenty of times and as need be they would ask me to work  
6 with the task force because I have had experience so  
7 sometimes. I haven't worked in a while, but I have worked  
8 with DOB a lot.

9 Q. So when you worked at the vacate desk and the  
10 complaint desk what percentage of your time was spent doing  
11 joint task force work?

12 A. The whole full seven hours that we were in the  
13 field or if it was in, like I had worked my regular shift,  
14 then in the evening they would say, I need you to work the  
15 task force, and then I would work my overtime, what, four  
16 hours, four, five hours possibly with the task force.

17 You were with DOB all the time. DOB would show up  
18 with their Department of Buildings car and we would show up  
19 with a fire department car that we have to get on loan  
20 because most of the DOB inspectors have cars, but the fire  
21 inspectors don't have cars, we don't, and some of the cars  
22 they recently have taken away and gave to a fire chief or  
23 firefighter recently, but that is another story, but that is  
24 usually what happens, but most of the DOB inspectors usually  
25 have their own car.

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1           You would have two DOB inspectors at the scene, one  
2   is driving his car and the other is driving his car. The  
3   fire inspector, some of us would have to drive our own  
4   personal car to the scene; you could check that yourselves.

5           Q.     I guess to sort of hone in on my question a little  
6   bit more --

7           A.     Go ahead.

8           Q.     -- it sounds like when you are working on a joint  
9   task force matter you are working on it sort of full-time,  
10   but throughout the year, like what percentage, how often  
11   throughout the year would you work on a joint task force  
12   matter, was this once a month, twice a year, how often would  
13   you say you worked on a joint task force assignment?

14          A.     I am speaking for me only. For me, when I was in  
15   the vacate desk, any time we had a vacate I was working with  
16   DOB. The joint task force, let's say past couple of years I  
17   may have done a joint task force maybe once a week.

18          Now the actual legal task force that you have in  
19   the fire department with inspectors, they work with DOB  
20   everyday. My guys in CDA, in construction demolition and  
21   abatement unit, they work with DOB everyday, they will show  
22   up at the construction site, DOB will show up, they will have  
23   a little quick conversation and they go perspective doing  
24   their inspection and we are doing the same inspection, but  
25   mainly checking the standpipe system to make sure

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1 firefighters can get water at the building if there is a fire  
2 at the construction site or any building we go to. So the  
3 task force is where Fatima, she works with DOB everyday in  
4 that task force most of the time and that is around everyday,  
5 365 days.

6 Q. So was everybody in the vacate unit on the task  
7 force or was this something you had to sort of sign up for?

8 A. No, that was part of our job. With the vacate desk  
9 if there was a vacate, like I said before, Jonathan, we would  
10 have to respond, an inspector and I would have to respond to  
11 that scene, because the administrative company or engine  
12 company or truck company called and asked for fire prevention  
13 to be there and they would ask for Department of Buildings to  
14 be there, so we would work together.

15 Q. So I believe earlier we spoke about civil service  
16 exams that you have taken.

17 A. Uh-hum.

18 Q. Did you ever take an exam for the Department of  
19 Buildings?

20 A. No, I took only HPD, I never took an exam for  
21 Department of Buildings, no.

22 Q. Have you ever applied for an inspector position  
23 with the Department of Buildings?

24 A. No. My brother did, he took a test for Department  
25 of Buildings and he was a Buildings Department inspector, my